

#203: FEBRUARY 2015 A FREE PAPER FOR FREE PEOPLE

THE INDYPENDENT

BETTER THAN NATURAL GAS, P4

| PUBLIC DEFENDERS, P6

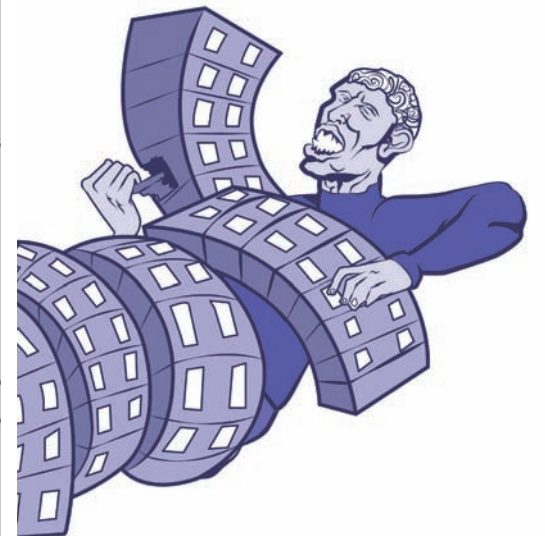
| FRANCE ON EDGE, P12



RENT REGS UP FOR GRABS, P3

FRACK FIGHT FLARES ANEW, P5

THE THRILL OF VIOLENT SPORTS, P14



HOW MUCH DO WE NEED THE POLICE?

BY AARON MIGUEL CANTÚ, P8

ROB LAQUINTA



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FEBRUARY



ROBERT PLUMA

CELEBRATE BLACK HISTORY MONTH: Dragonfly, aka the Justice Jester, a NYC-based artist and activist, speaks her mind at an MLK Day march.

THROUGH FEB 7

Tues–Sat 11am–6pm • \$9 suggested
EXHIBITION: “PLAYING WITH FIRE: POLITICAL INTERVENTIONS, DISSIDENT ACTS, AND MISCHIEVOUS ACTIONS.” In the museum’s words, “The exhibition purposely welcomes impolite, undomesticated, rebellious, hilarious, and even sacrilegious discourses and gestures that stick out their tongues at oppressive systems and push for the re-politicization of society and the art space.” Come stick your tongue out. El Museo del Barrio
1230 5th Ave at 104th St
elmuseo.org • 212-831-7272

THROUGH FEB 12

Mon–Fri 2–6pm • Free
EXHIBITION: “THE LONG JOURNEY: THE PALESTINE REFUGEE EXPERIENCE.” A photo and film exhibition with materials from the archives of the United Nations Relief and Works Agency, chronicling the history of Palestinian refugees from 1948 to the present day. On Feb. 12, the photographs will be auctioned to benefit the Gaza Emergency Relief Fund. Alwan for the Arts
16 Beaver St, 4th Fl
alwanforthearts.org • 646-732-3261

THROUGH FEB 14

3pm, 5pm & 7pm • \$20 online/\$25 door
THEATER: *BLACK FOOTNOTES*. The lives and achievements of four African-American scientists — Dr. Liza Anna Grier, Dr. Geraldine Pittman Woods, Dr. Jane Cooke Wright and Dr. Evelyn Boyd Granville — are depicted in this documentary play. Told in music and memory, their story hurtles from present to past; tragedy to triumph. Written and directed by Rajendra Ramoon Maharaj, premieres Feb. 1st. Nuyorican Poets Café
236 E 3rd St
nuyorican.org • 212-780-9386

THROUGH FEB 22

Various times • Free
EXHIBITION: “RESPOND.” 200 artists

respond to the systemic failures to protect Black people from police violence and discrimination. The exhibition includes performances, workshops and a variety of artworks. All events are first come, first served and additional programs will be included as the exhibition runs. Smack Mellon
92 Mellon St, Bklyn
smackmellon.org • 718-834-8761

THROUGH MARCH 8

Wed–Sun 12–5pm • \$10 suggested
DOCUMENTARY PHOTOGRAPHY: “WE THE PEOPLE: THE CITIZENS OF NYCHA IN PHOTOS & WORDS.” The result of interviews conducted of NYC housing authority residents by journalist Rico Washington and photographer Shino Yanagawa, the work addresses misconceptions and stereotypes associated with African-American and Latino public housing residents. Brooklyn Historical Society
128 Pierrepont St, Bklyn
brooklynhistory.org • 718-222-4111

THROUGH APRIL 4

Various times Tues–Sat • \$3 suggested
EXHIBITION: “THE LEFT FRONT: RADICAL ART IN THE ‘RED DECADE,’ 1929-1940.” Paintings, prints, posters and books made by American artists during the Great Depression engaging the themes of class struggle, workers’ rights, civil rights, social mysticism and more. Grey Art Gallery, NYU
100 Washington Sq E
nyu.edu/greyart • 212-998-6780

MON FEB 2

7pm • Free
BOOK EVENT AND DISCUSSION: *MORE THAN A SCORE: THE NEW UPRISING AGAINST HIGH-STAKES TESTING*. Join contributors Jesse Hagopian, Diane Ravitch, Brian Jones and Dao X. Tran for a book event and discussion between teachers, students and parents about the new uprising against high-stakes testing.

More Than a Score is a collection of essays, poems, speeches and interviews from frontline fighters who are defying the corporate education reformers and fueling a national movement to reclaim public education. Sponsored by Haymarket Books, Rethinking Schools, *The Independent* and others. Powerhouse Arena
37 Main St, Bklyn
on.fb.me/1yj3F9n • 718-666-3049

WED FEB 4

5:30–7:30pm • Free, donations suggested
READINGS & CONVERSATION: *BRONX FACES AND VOICES*. Attend an evening of readings from the book *Bronx Faces and Voices*, which consists of personal and uncensored stories of the Bronx before, during and after the difficult years of the 1970s and ‘80s. Bronx Museum
1040 Grand Concourse
bronxmuseum.org • 718-681-6000

SAT FEB 7

12–5pm • Free
EVENT: BLACK LIFE MATTERS WIKIPEDIA EDIT-A-THON. Passionate about Black history and culture? Drop in and help improve Wikipedia’s entries on the subject. A Wikipedia training session will begin at 12:30pm for those interested and Wiki specialists will be on hand to help. Bring your own laptop; laptops will also be provided with a NYPL card. Reception to follow.

CORRECTION

The article titled “Revolution By Design” that appeared in the previous issue mistakenly described Laurie Arbeiter as the sole creator of the white-on-black color combination used in T-shirts and signs produced by the We Will Not Be Silent project. The concept emerged from a collective of artists and activists, affiliated with The Critical Voice and Artists Against the War, with which Arbeiter was involved.

The article also stated that Arbeiter and her collaborator Sarah Wellington crowdfunded money to print 700 “Unarmed Civilian” signs that they shared with residents of Ferguson, Missouri, this fall. The money was used to print 700 “Unarmed Civilian” T-shirts.

Schomburg Center for Research in Black Culture
515 Malcolm X Blvd
nypl.org • 917-275-6975

SUN FEB 8

4–6pm • Free
STUDIO SALON: TITUS KAPHAR & DR. KHALIL GIBRAN MUHAMMAD DISCUSS *THE NEW JIM CROW*. Exhibiting artist Titus Kaphar and Schomburg Center for Black Research director Dr. Khalil Gibran Muhammad will discuss *The Jerome Project*, Kaphar’s exhibition focusing on social issues that include the criminal justice system and the prison-industrial complex, and the ways it was informed by Michelle Alexander’s book, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. Studio Museum in Harlem
144 W 125th St
studiomuseum.org • 212-864-4500

FRI FEB 13

6pm • \$2 suggested
SCREENING: *MAD MAX 2: THE ROAD WARRIOR*. Like visions of the apocalypse? PSC’s Labor Goes to the Movies series of 2015 will scratch that itch. In this 1981 classic, a pre-Hollywood Mel Gibson joins an isolated collective to defend an oil refinery from a gang of punk bikers in a post-nuclear-holocaust world. PSC/CUNY Union Hall
61 Broadway, 16th Fl
psc-cuny.org • 212-354-1252

SAT FEB 21

8pm • \$18
MUSIC: “REMEMBER THE MAJOR” BENEFIT CONCERT. The late Congressman Major Owens founded the Central Brooklyn Martin Luther King Commission in 1985, the same year his son, Chris Owens, first performed at the Peoples’ Voice Cafe. The Commission promotes the work of Dr. King and awareness of social justice in Brooklyn’s public schools through annual essay, poetry and art contests. This tribute concert will feature original music by Chris Owens and the Owens Brothers Band plus guest performers. Peoples’ Voice Café
40 E 35th St
212-787-3903 • peoplesvoicecafe.org

TENANT LAWS IN PERIL

BY STEVEN WISHNIA

For those seeking to stitch the gashes in New York's rent-regulation laws and stop the hemorrhage of affordable housing, the odds are long, but the job needs to be done by June.

The state's rent-stabilization laws, the keystone of a system that protects tenants in about 1 million apartments in New York City and around 50,000 in Westchester, Nassau and Rockland counties, expire June 15. They are almost certain to be renewed, but loopholes enacted in the last 20 years have enabled landlords to take more than 300,000 apartments out of the system, often fraudulently.

Tenant groups want to close those loopholes, but the Republican majority in the state Senate, the millions of dollars the real-estate lobby has given Governor Andrew Cuomo, and the January 22 indictment of Assembly Speaker Sheldon Silver — the most powerful Democrat in the state legislature, and a leaky bulwark against weakening the rent laws — all make that a difficult prospect.

For both of the tenant-group coalitions working on the issue — the Alliance for Tenant Power and the Real Rent Reform Campaign — the top priority is repeal of the 1997 amendment that lets landlords decontrol vacant apartments if the rent can be raised to \$2,500 a month or more.

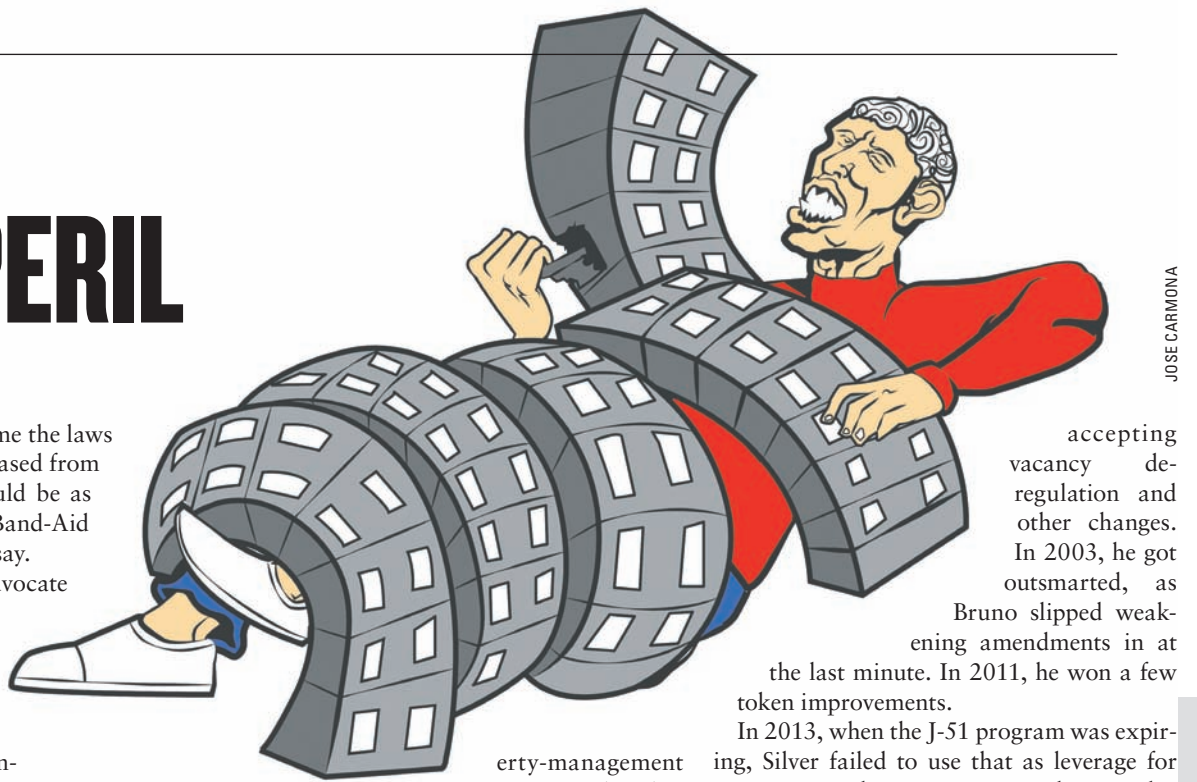
That amendment has effectively created a two-tier housing system in the city, in which new arrivals face astronomical rents and no rights or security. If it's not repealed, tenant advocates say, the supply of rent-stabilized apartments will eventually erode to a handful occupied by elderly and poor residents. Merely raising the threshold for deregulation

— in 2011, the last time the laws were renewed, it was increased from \$2,000 to \$2,500 — would be as inadequate as putting a Band-Aid on a ruptured aorta, they say.

Other measures they advocate include repealing the 1997 amendment that lets landlords charge an automatic 20 percent increase on vacant apartments, making rent increases for major capital improvements temporary surcharges instead of permanent and strengthening the very minimal oversight of rent increases landlords claim for apartment renovations.

Both coalitions, however, have decided that they won't push this year for another key goal of the tenant movement — repealing the 1971 state law that denies New York City the power to strengthen its rent laws without permission from Albany. With the Republican majority in the Senate, they believe, it's simply not politically possible. Albany Republicans take millions in contributions from real estate, and do not want to close the spigot. Neither do many Democrats.

A loophole in state campaign-finance laws gives the real-estate lobby particular power. Owners of multiple limited-liability corporations are allowed to give the \$5,000 maximum contribution from each one — and landlords often set up separate LLCs for each property they own. Billionaire luxury-apartment landlord Leonard Litwin has utilized this loophole to donate more than \$2 million to Republican Senate candidates over the last five years and more than \$1 million to Cuomo. He also allegedly channeled under-the-table money to Sheldon Silver: His prop-



JOSE CARMONA

accepting vacancy deregulation and other changes. In 2003, he got outsmarted, as

Bruno slipped weakening amendments in at the last minute. In 2011, he won a few token improvements.

In 2013, when the J-51 program was expiring, Silver failed to use that as leverage for stronger rent laws. He apparently was also the one who sneaked in an amendment giving special 421-a tax exemptions — intended as incentives for affordable-housing construction — for five Manhattan luxury buildings, including one with a \$90 million penthouse.

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As *The Independent* went to press, Silver's announcement on January 25 that he would temporarily step back as Speaker while charges are pending leaves a leadership vacuum in the Assembly. The five members taking over his functions might take a strong stand on rent regulations — or might be more scared of alienating the real-estate lobby or vexing Cuomo. They might also lack the clout, unity or negotiating skills to sustain a fight on the issue.

Sheldon Silver has been the main obstacle in Albany to rent regulations being obliterated during his two decades as speaker — in 1997, then-Senate Republican leader Joseph Bruno sought to repeal rent controls outright, and Governor George Pataki wanted them to die more slowly — but he has let a lot go through. In 1997, he basically sold out,

For information on organizing, contact Yonah Lieberman at Met Council, 212-979-6238 or yonah@metcouncilonhousing.org.

THERE'S STILL TIME

THANK YOU TO ALL OUR READERS WHO HAVE DONATED SO FAR DURING OUR **ANNUAL WINTER FUND DRIVE**. YOUR CONTRIBUTION MAKES OUR WORK POSSIBLE. THIS FUND DRIVE **ENDS FEBRUARY 15**. SO IF YOU WOULD LIKE TO SHOW YOUR SUPPORT FOR THE INDY BUT HAVEN'T YET DONE SO, **PLEASE GIVE TODAY.**

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FUEL FOR CHANGE THE BIODIESEL REVOLUTION

BY ALEX ELLEFSON

When the biodiesel fuel truck parks in front of the 12-story, 120,000-square-foot office building on West 20th Street, it draws attention from superintendents in the surrounding buildings.

“People from other buildings, when they see the truck outside, they say: ‘Hey, is it true? Does it smell like McDonald’s when your boiler kicks up?’” said Mitch Lappin, the building’s manager.

For a little more than a year, the building has been heated with pure biodiesel, a clean-burning, non-hazardous, organic fuel that can be made from plant-based products such as soy, wheat, canola and even recycled cooking oil, an abundant resource in New York City. Lappin began exploring biodiesel as an alternative to conventional heating oil after the Natural Resources Defense Council, which is headquartered in the upper floors of the building, asked the property’s management company to make the switch.

Lappin said that he was initially skeptical of biodiesel. But after cleaning out the fuel tank and making a few adjustments to the air and fuel intake, the biodiesel performed better than he expected and, it turns out, did not smell like french fries. In fact, he said there’s no odor at all.

“According to one of my combustion guys who tested the boiler’s efficiency, he said: What you’re pushing now as far as efficiency of that boiler, which was, so to speak, born in 1979, it’s fantastic. I don’t see those numbers anywhere,” said Lappin.

JULY 1 DEADLINE

Hundreds of property owners and building managers are scrambling to find a clean-burning fuel in order to meet a July 1 deadline, when the city will ban the use of the high-polluting heating oil known as No. 6. There are still 963 buildings using the fuel, according to a spokesperson for the city’s Office of Management and Budget. The second-dirtiest heating oil, No. 4, won’t be banned until 2030, but the city is eager to see property owners switch to cleaner alternatives such as low-sulfur heating oil No. 2, biodiesel or natural gas.

The city issued its heating oil mandates in 2011 as part of an effort to combat air pollution. The mandate applied to almost 10,000 buildings still burning No. 4 and 6, which contributed more to air pollution than all the city’s car and truck traffic.

The Bloomberg administration promoted natural gas as the cleanest alternative and the city provided financial incentives in the form of grants and low-interest loans to buildings that converted to natural gas. Con Edison is investing \$100 million to expand and upgrade New York City’s natural gas infrastructure to meet the demand.

Increasing New York’s consumption of natural gas angered anti-fracking activists. The process of extracting natural gas, called fracking, involves injecting a toxic cocktail of chemicals into the ground to

release the gas. The chemicals involved can leak into the surrounding rock and poison fresh water supplies. And although natural gas burns cleaner than petroleum-based oil, Cornell University researchers discovered that methane released during the extraction and transport of natural gas contributes more to global warming than coal.

“Natural gas is fracked gas,” said Clare Donohue, program director for the Sane Energy Project.

However, Donohue and other environmental activists were initially wary about promoting biodiesel as an alternative to natural gas. Demand for biofuels has been linked to habitat destruction and rising food prices. Meanwhile, most of the crops used to make biodiesel are grown by the world’s agribusiness giants, which use genetically modified (GMO) crops to maximize output.

BEST OPTION

But when it comes to finding an alternative to heavy heating oils like No. 6 and No. 4, Donohue said that biodiesel was the best option, especially because researchers in the United States and Europe are developing ways to produce biofuel from plants like grass and algae, which do not need to be cultivated on land that’s suitable for growing food.

“We always have to be vigilant,” said Donohue. “But given that you don’t have many choices in New York City because the building stock is older and the law is already in effect, if you were to wait until biodiesel is perfected, all of the buildings will have converted to gas by then.”

Dehran Duckworth, sales manager for Tri-State Biodiesel, which provides pure biodiesel to Lappin and more than a thousand other customers in New York City, said that it’s almost impossible to avoid using GMO products to make biodiesel because big food producers like Archer Daniels Midland and the Louis Dreyfus Group have taken over the farms that produce America’s energy crops.

However, Tri-State, which is based in the South Bronx, uses an innovative approach to making biofuel. A quarter of the biodiesel sold by Tri-State comes from recycled cooking oil, which the company collects from New York restaurants. The rest generally comes from soybeans that can be used for food while the oil from the legume, which used to be considered a waste product, is made into biofuel.

Tri-State is in the process of expanding its production plant in Bridgeport, Conn., in order to produce more than 1 million gallons of biodiesel a month — more than enough to supply all 10,000 buildings that were burning No. 6 and No. 4, said Duck-

FREEDOM FRIES: Recycled restaurant grease is helping heat NYC homes this winter.

worth.

Another benefit of biodiesel is that, because it’s so similar to conventional heating oil, the cost changing fuels is very low. Lappin said that he looked into switching over to natural gas but was deterred by the cost.

“For the [chimney] alone, which has to be lined with steel, I was quoted a price in the high 90s,” he said. “And then the burner has to be replaced or rewired. And that was maybe a few hundred thousand on that. And then the fact that Con-Ed has to come in and do their part to upgrade the gas feed.”

BACKDOOR RENT INCREASES

Environmental activists and community organizers have grown alarmed that property owners are using expensive natural gas conversions to drive up rents for rent-regulated tenants in the form of major capital improvements (MCIs). Under New York State law, when landlords make improvements to rent-regulated buildings, they can apply for an MCI to raise rents on tenants based on the cost of installation. For owners who already factor the cost of heat into the rent, they benefit from the low price of natural gas while transferring the expensive installation cost to their tenants.

Despite the skewed incentives created by rent laws, Duckworth sees the city as a place where biodiesel can flourish.

“New York City presents a unique opportunity to heat buildings on 100 percent biodiesel due to the fact that the lion’s share of buildings in the city have basement tanks with a heated environment where they can store the fuel,” he said.

If a fuel tank is not sheltered from the cold, the biodiesel will congeal and the heating system will fail. Residents of a co-op in the East Village went without heat or hot water for almost a week during a cold snap in October because their fuel tank is located in an unheated ground-level room with a ventilation window that brings in cold air from outside.



SONUPTOSONDOWN.COM



TRI-STATE BIODIESEL

KEEP ON TRUCKIN': Bronx-based Tri-State Biodiesel makes a heating fuel delivery.

“In going green, we thought we’d be helping the planet. [Biodiesel] seemed like a good alternative,” said co-op treasurer Robert Sutherland-Cohen. “We did encounter problems, which we did not realize would crop up in the winter.”

To keep the fuel flowing in winter, Tri-State supplied the building with a mixture that was 20 percent biodiesel and 80 percent No. 2 heating oil.

“By doing the mixture of biodiesel and No. 2 in the winter and then going back to more biodiesel when the weather warms, it balances out to about 50/50. So we’re doing about 50 percent of our part for the planet,” said Sutherland-Cohen.

In fact, anyone whose building heats with conventional oil is making a contribution to reduce fossil fuel consumption. A 2012 mandate by the city required all heating oil to contain at least 2 percent biodiesel. The city also provides tax credits for property owners who use a blend of 20 percent biodiesel or more.

City Councilmember Donovan Richards (D-Far Rockaway), a vocal opponent of fracking and head of the council’s Environmental Protection Committee, told *The Independent* via email that the city should be doing more to lower its use of fossil fuels.

“While greener technology is an admirable goal, any fossil fuel usage cannot be celebrated as ‘green’ without acknowledging that we must move completely away from non-renewable sources of energy,” he said. “While we have made important strides in banning fracking within the state, our activity may be subsidizing it elsewhere in the country to the detriment of us all.”

NEW FRACKING BATTLES HEAT UP

ERIK MCGREGOR

BY PATRICK ROBBINS

When we heard in December that Governor Andrew Cuomo would prohibit high-volume hydraulic fracturing, many activists breathed a sigh of relief — it looked like a frack-free New York was becoming a reality. Unfortunately, New York is already being fracked, if you understand “fracking” to mean the full life cycle from drilling to transportation to consumption. Right now, there are many ongoing infrastructure campaigns that could use your support:

PORT AMBROSE

Liberty Natural Gas LLC (a shell corporation made up of anonymous Cayman Islands investors) is pushing a plan to build a liquified natural gas port called Port Ambrose in the New York Harbor. This project would bring dangerous, super-sized liquified natural gas tankers into the harbor at a rate of roughly one per week over the course of a year. In addition to the security risks associated with a highly volatile fuel and the danger to marine ecosystems, this project will create financial incentives for more fracking all over the Northeast. It is also being proposed in an area that is under consideration for building offshore wind power, which we desperately need.

WHAT YOU CAN DO: Learn more at saneenergyproject.org, call Governor Cuomo at 518-474-8390 and tell him to veto Port Ambrose, and rally other representatives via the information found here: bit.ly/1JqIh8G.

CONSTITUTION PIPELINE

This 30-inch, high-pressure gas pipeline has been conditionally approved by the Federal Energy Regulatory Commission to bring fracked gas from Pennsylvania through Schoharie County, New York, located in the Catskill Mountains. This project would damage property values and involve clear-cutting in the delicate wetland and farmland ecosystems in its path. Many community members are vocally opposing the project. Williams, the company responsible, has engaged in scare tactics such as telling homeowners along the pipeline route that they will gain access to their land through eminent domain, which would be illegal.

WHAT YOU CAN DO: You can send comments to the Department of Environmental Conservation and get involved at stopthepipeline.org and ruralcommunities.org.

SENECA LAKE

Right now, New York is witnessing a sustained nonviolent direct action campaign in response to a Texas-based company's proposed plan to store methane and liquid petroleum gas (LPG) in decades-old depleted salt caverns that were never designed to store this

THIS WON'T SAIL: Anthony Rogers-Wright of Environmental Action speaks against the proposed Port Ambrose liquified natural gas port at a Jan. 7 public hearing in Jamaica, Queens.

material. The Department of Environmental Conservation is still considering proposals to store LPG, and residents of Watkins Glen and the area surrounding Seneca Lake have continuously blockaded the entrance to facilities to bring attention to this issue. At stake is the drinking water supply of 100,000 people and the health of the local wine-growing industry that is flourishing in the Finger Lakes region.

WHAT YOU CAN DO: Sign the petitions and write to Governor Cuomo using the materials found at gasfreeseneca.com and support the Seneca Lake Defenders at wearesenecalake.com.

DOMINION NEW MARKET PROJECT

Dominion's proposed New Market Project consists of the construction of compressor stations and infrastructure upgrades along its 50-year-old natural gas pipeline, which cuts a long diagonal path through nine counties across the middle of the state. In addition to the dangers posed by the new compressor stations, such as degraded air quality and explosion risks, this project will add pressure and velocity to an aging system that was never meant to handle it. Communities located near the project are waiting for an environmental assessment to come out, although many are continuing to fight for a full Environmental Impact Statement that would provide a more detailed analysis of the potential consequences of Dominion's plan.

WHAT YOU CAN DO: Contact one of these three groups: Mohawk Valleykeeper (mohawkvalleykeeper@gmail.com), Concerned Citizens of New York (ConcernedCNY@gmail.com) and Madison County Neighbors for Environmental Preservation (madcopreservation@aol.com).

All of these campaigns are worth supporting on their own merit — in each case, the local community is taking bold steps to protect their land and health. But supporting these campaigns makes sense from a broader perspective as well. It allows us to identify common targets that affect struggles across the state, such as the industry-dominated Federal Energy Regulatory Commission. It helps us understand larger trends within the natural gas industry, like the shift toward exporting fracked gas. And it builds a movement that speaks to people's lived experiences, one that is truly led by the grassroots — in other words, it builds the movement we really need to take on the climate crisis as a whole.

Patrick Robbins is the communications coordinator for Sane Energy Project, which can be found online at saneenergyproject.org.



DEMOCRACYNOW.ORG

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WBAI 99.5FM 8am M-F

NYC TELEVISION

CUNY-TV

6:30pm M-F, 1am Tu-F

Manhattan MNN

8am and 7pm M-F

Brooklyn BCAT

9am M-F

DISH Network & DirecTV

Free Speech TV

8am, noon, 8pm
and midnight M-F
8am, noon, 7pm Sat
8am, noon Sun

Link TV

11am and 6pm M-F



A Daily Independent
Global News Hour

with Amy Goodman
and Juan Gonzalez



AMNESTY
INTERNATIONAL

“It is an absolute outrage that Chelsea Manning is currently languishing behind bars whilst those she helped to expose, who are potentially guilty of human rights violations, enjoy impunity.”

Erika Guevara Rosas
Americas Director
Amnesty International
30 July 2014

Learn more about heroic WikiLeaks whistle-blower former
US Army intelligence analyst PFC Chelsea Manning at

www.chelseamanning.org

Ad designed and published by the Chelsea Manning Support Network

THE POOR MAN'S LAWYER

BY REBECA IBARRA

6

THE INDEPENDENT
February 2015

As the judge read out the sentence, Jose Santiago and the public defense attorney he'd just met that day listened in an almost empty courtroom. It was 2009, and Santiago spent the next year and a half in prison.

Santiago was arrested one month after his 16th birthday for running past a pedestrian and snatching his iPod. Unable to post \$1,500 bail, he was sent to Rikers Island, where he waited two months before being convicted of robbery in the second degree, a felony punishable by up to three years in prison.

Santiago recalls that during the two months he awaited sentencing he went to Queens Criminal Court six times, each time asking to see an attorney to no avail. "Never did I get a chance to actually see my lawyer until the day I was gonna get sentenced," he said.

Santiago's experience with public defenders isn't unique, and in New York, it's a statewide problem. The state settled a class-action lawsuit in October 2014 that contended the poor in five upstate counties were consistently denied proper criminal defense in court. Despite the fact that the right to a criminal defense attorney is constitutionally guaranteed, a September 2014 report by the New York Civil Liberties Union, one of the plaintiffs in the seven-year suit, found that "New York's public defense system routinely fails poor people accused of crimes."

Since the settlement, more than a dozen upstate counties not named in the lawsuit have called on the state to take over responsibility for their public defense, citing an

Back in 2009, however, he was a scrawny, 5'4" kid who kept getting jumped in the bullpens.

"I went through hell on Rikers Island," he said, pointing to a faded scar on his lip he got from a fight.

When his public defense attorney presented a chance to get out of Rikers by agreeing to do a six-month-long program at the Fortune Society, a nonprofit in Queens that provides alternatives to incarceration, and five years of probation, Santiago jumped at the opportunity.

He went free only to end up back in court a month later. A fight with a schoolmate that didn't even escalate to punches landed Santiago a harassment charge. "A violation," he recalled an attorney telling him after a hasty chat. Unaware of the consequences, he pled guilty.

And so it was that Santiago found himself in front of a judge, that time with a different public defense attorney, being sentenced to one and a half years in an upstate prison for having violated the terms of his previous sentence.

There's a hypnotic charm to the way Santiago recounts his encounters with the criminal justice system. His brown eyes grow wild and his head bobs with every other word. He tells his story with the good humor of a young man who's aware of his mistakes. And though he remembers parts of his past in staggering detail — faces, addresses

just shy of \$253 million dollars on it in 2015, up from \$204 million in 2008. The state, meanwhile, has consistently contributed approximately \$40 million of that budget.

In conjunction with the caseload cap, the increased funding has allowed defense providers to hire more lawyers and ease some of the pressure defenders deal with. "The situation has really changed dramatically," James said. He reports that lawyers are now able to spend more time on their cases, writing motions, researching, investigating and doing social work referrals.

While it appears that people like Santiago have a better chance of receiving adequate defense today than several years ago, improving the quality of representation by limiting caseloads and increasing funding only addresses part of the problem the poor have when dealing with the criminal justice system.

"In terms of the quality of representation, I think the public defenders of New York do an absolutely incredible job at representing their clients," Legal Aid attorney Bina Ahmad said.

But what wealthy and indigent clients face in the streets and in court varies drastically, she pointed out, noting that the system continues to arrest the poor at staggering rates by targeting them for minor offenses. Ahmad, who works in Staten Island, has heard colleagues lament the "astronomical" rates at which subway arrests — for anything from jumping turnstiles to performing on the trains — have increased in the year since Mayor Bill de Blasio and Police Commissioner William Bratton took office.

And though organizations like LAS have more funds and attorneys as compared with several years ago, the number of yearly cases the firm handles as a whole remains high. It took on more than 220,000 criminal defense cases last year, up from 210,000 in 2003. While violent crime in New York City has been steadily declining — with a drop of almost 80 percent since 1990, according to NYPD CompStat records — misdemeanor arrests have risen sharply. They doubled since 1990, reaching more than 225,000 in 2013.

James said that LAS handles a high number of misdemeanor cases "as a result of the quality-of-life initiatives that were implemented going back to the Giuliani administration," adding that these policing tactics continued into the Bloomberg and de Blasio eras. "People get arrested for taking up two seats on the subway. They get arrested for riding a bicycle on the sidewalk," he said. "The vast majority of people we see coming in under those types of cases are people of color."

These "broken windows" policies — which were championed by Bratton during his first stint as police commissioner in the mid-1990s and which have since come to define policing in the city — have been accompanied by more than arrests. "The enmeshed penalties and collateral consequences of criminal justice involvement since the 1970s have gotten broader, and deeper and wider," said Robin Steinberg, founder and executive director of the Bronx Defenders, which had almost 22,000 people come through its doors last year in search of advice.

"With that came more and more destabilizing of individuals, their families and their communities. We in the front lines have been seeing this happening for decades."

NYC PUBLIC DEFENDERS ARE NOW ABLE TO SPEND MORE TIME ON THEIR CASES, WRITING MOTIONS, RESEARCHING, INVESTIGATING AND DOING SOCIAL WORK REFERRALS.

acute lack of resources and capacity.

According to Seymour James, an attorney of 40 years who was named head of the Legal Aid Society (LAS) last July, the state of public defense in New York City has never been as dire as it was in the five counties that sued the state. He noted, however, that while the situation has improved in the last half decade, for many years excessive case volumes left city attorneys unable to dedicate sufficient time to each case, with serious ramifications for the city's poor.

The Indigent Defense Organization Oversight Committee, which monitors public defense in Manhattan and the Bronx on behalf of the New York Supreme Court, repeatedly raised similar concerns since beginning oversight in 1996. Of the period 2009-2010, during which Santiago was arrested, the committee wrote with apparent chagrin that it "unfortunately must reiterate its previously expressed view that 'it is hard to imagine that each indigent person charged with a crime or offense is receiving sufficient legal counseling.'"

'HELL ON RIKER'S ISLAND'

Santiago was born in Puerto Rico and raised all over New York City, bouncing from foster home to foster home since the age of 10. He's a 5'7", solidly built 21-year-old.

and names — he can't recall the men and women who defended him in court.

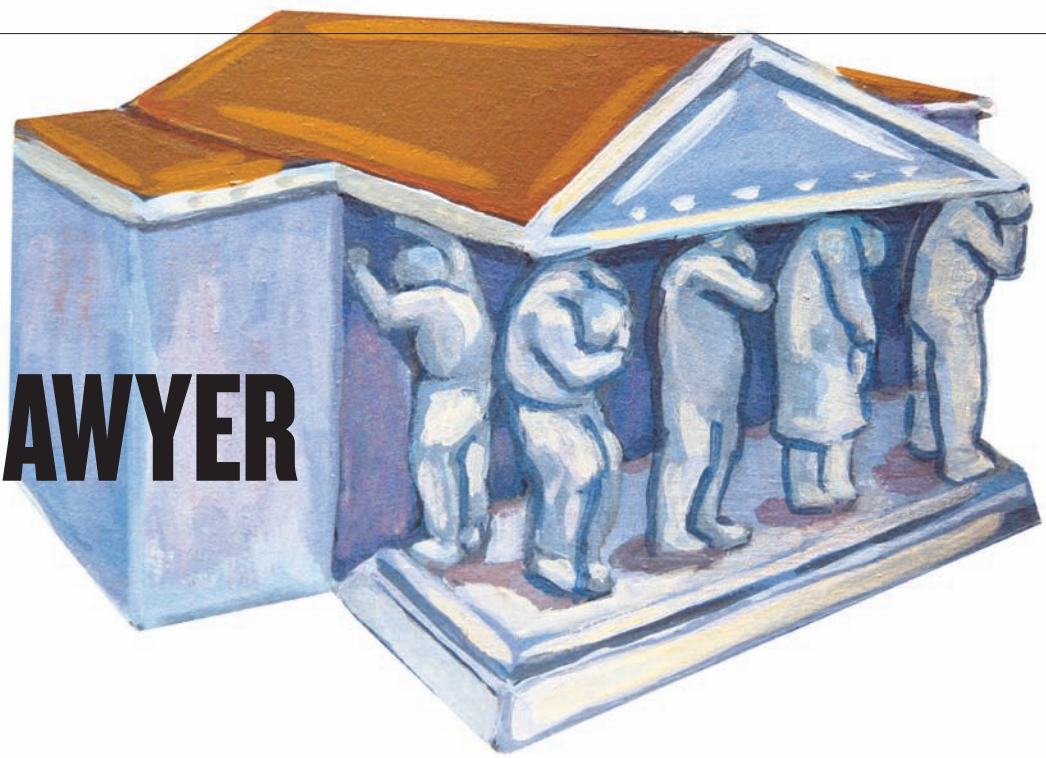
"The word going around [in Rikers] was, if it's a severe case, get a real lawyer. Pay for a lawyer," he said. "Cause public defenders, they deal with so many people, to them you're just another case, just another number."

REDUCING CASELOAD

In 2009, the year Santiago was sent to prison, a state law limited the number of caseloads New York City public defenders could take on to 400 misdemeanors or 150 felonies a year. James told *The Independent* that when the law was passed, each LAS attorney averaged 632 cases a year. "It was like an emergency room," James said. "You had so many cases you had to triage all the time."

In New York City, there is no traditional public defender's office. The work of representing the poor is decentralized, done on one hand by organizations such as Legal Aid and on the other by private lawyers contracted by the city. LAS and similar public defense firms — the Bronx Defenders, Brooklyn Defender Services, Queens Law Associates and others — handle the vast majority of cases, and Legal Aid is the largest provider.

The city's contribution to public defense has gradually increased over the last several years — it plans to spend



BETH WHITNEY

More Than a Score

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JESSE HAGOPIAN edited *More Than a Score*, teaches history, and is the Black Student Union adviser at Garfield High School, the site of the historic boycott of the MAP test in 2013.

DAO X. TRAN is a parent of a 2nd-grader at Castle Bridge, where she was PTA cochair in the 2013–14 school year and helped organize the schoolwide boycott of that year's MOSLs.

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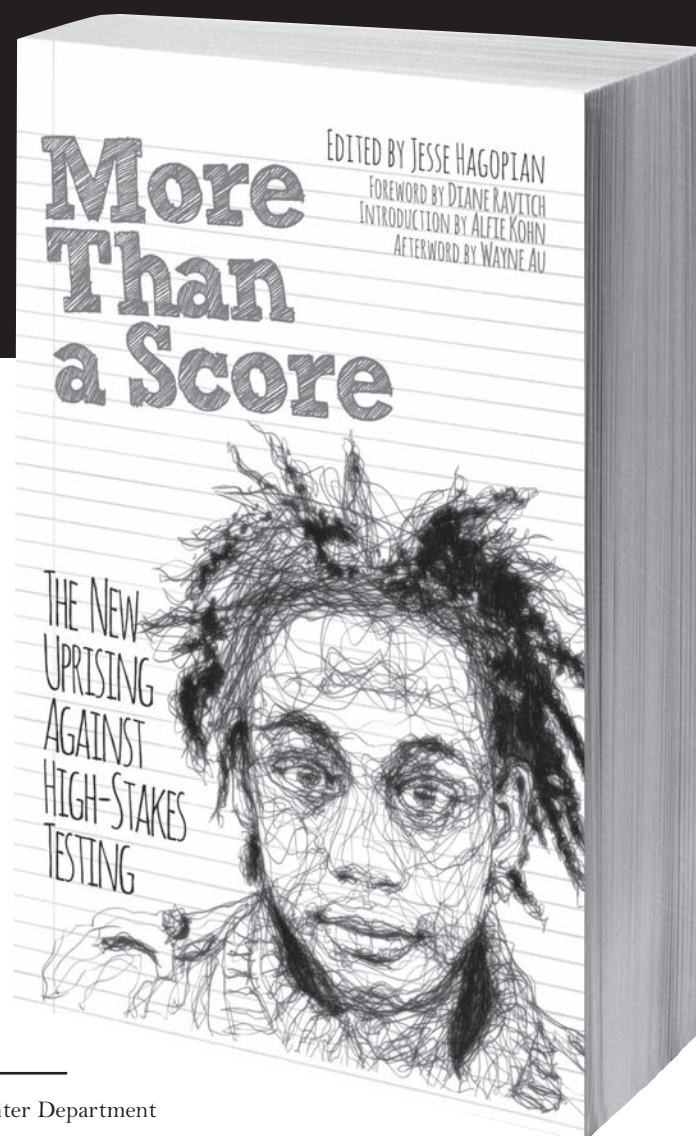
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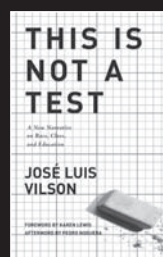
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Lois Weiner

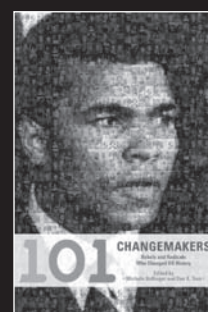
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WHAT THE NYPD SLOWDOWN REVEALED

By Aaron Miguel Cantú

About a week and a half after the NYPD seemed to have ended its “slowdown” in ticketing and meting out summonses, I was walking around in the Brownsville/Ocean Hill area of Brooklyn near the 73rd Precinct. This is Brooklyn’s poorest neighborhood, dogged by enough gun violence that last year the NYPD launched a paramilitary surveillance program here. It is called, without a hint of irony, “Omnipresence.” Yet according to police data, the number of criminal court summonses handed out in the 73rd Precinct dropped 78 percent between December 8 and January 11 compared to the same period the previous year; the week after two cops in Brooklyn were shot dead in their patrol car, it dropped 97 percent.

Three men in their twenties or thirties are huddled in front of a bodega a few blocks from the precinct. One of them, Shawn, tells me the police haven’t been around as much as they once were — which he says is a good thing.

“Usually they’re harassing people around the block — they would jump out at us and harass us, or if they found something on the floor they say it’s yours,” he told me, adding that he’s been ticketed or arrested “maybe 20” times since moving to the neighborhood a decade ago.

Others I spoke with seemed not to have noticed any difference in police presence.

“People here are scared of the police,” one 16-year-old, Chris, told me near the Marcus Garvey Houses, as he and his friend Zay walked home from school. “They wait for the kids to get out of school, they watch us.” But despite their fear, and even though Chris had once been forced to lay on the floor in front of his friends while a cop conducted a fruitless search of his body, they agreed that police presence in their neighborhood was necessary.

“They should be doing their job in a way that’s agreeable to pedestrians, because some of the things they do, it makes us go against them,” Zay said. Slacking off on the job, the boys maintained, wasn’t the solution — an opinion with which others in the neighborhood strongly agreed.

“Honestly, it’s retarded they stopped doing their job,” David, a construction worker, told me a few blocks away. “I hope cops do what they gotta do because people need to make the police feel safe. We need the police.”

WHO DO THEY PROTECT AND SERVE? BY INDEPENDENT STAFF

Policing in New York City has been marked by racism, classism and corruption throughout its history. Here are a few of the highlights:

1600s–1844

For more than half of its history, New York City does not have a professional police force. Instead, there are constables who serve out summonses and arrest warrants by day and a rotating night watch that guards against vandalism and arrests any Black person who could not prove that she or he is free, slavery being legal in New York State until 1827.

1845

Amid great disparities in wealth, petty crime, riots and labor strikes by the lower classes become increasingly frequent, to the alarm of the city’s elites. In 1845, the New York City Police Department is founded with a larger force, higher pay and a more centralized military chain of command. Modeled on the London police department, which was founded amid similar circumstances in 1829, the new force’s duties are two-fold: to disperse throughout the city to police the daily lives of the poor and working classes, and to close ranks to take on strikes, riots and major demonstrations.

1874

When the stock market tanks in 1873, the United States quickly sinks into an economic depression. On January 13, 1874, thousands of unemployed rally at Tompkins Square Park in the Lower East Side to demand government aid and a public jobs program. Instead, hundreds of baton-wielding cops on horses greet them. “Mounted police charged the crowd on Eighth Street, riding them down and attacking men, women, and children without discrimination. It was an orgy of brutality,” labor leader Samuel Gompers later writes of the incident.

1894–1895

The state Senate’s Lexow Committee looks into the influence wielded by the Tammany Hall political machine over the department and uncovers police involvement in extortion, bribery, counterfeiting, voter intimidation, election fraud, brutality and scams. A reform mayor is elected amid vows to clean up the police department.

1931

Would you prefer to pay a hefty bribe or go to prison? That was the stark choice many poor and working-class New Yorkers faced upon being arrested on minor or non-existent charges before the Seabury Commission blew the lid off the collusion between corrupt police, judges, bail bondsmen and attorneys. NYC Mayor Jimmy Walker subsequently resigned while significant reforms were instituted in how the lower courts were to be run.

1970–1973

Spurred by revelations in the press from whistle-blowing cops Frank Serpico and David Durk, the Knapp Commission holds hearings that reveal the NYPD to be a wildly corrupt enterprise in which police routinely collect bribes and collude with criminals. In its final report, the Commission divided the bulk of the NYPD into two groups: “grass eaters” who participated in everyday graft and “meat eaters” who aggressively pursued new and larger opportunities for self-enrichment.

1994

Mayor Rudy Giuliani and incoming Police Commissioner William Bratton institute “broken windows” policing that emphasizes cracking down on minor “quality-of-life” infractions as a way of preventing more serious types of disorder and crime from taking hold. The policy proves popular with many white voters while critics denounce it for criminalizing predominantly Black and Latino communities.

2011

Acting on orders from billionaire Mayor Michael Bloomberg, the NYPD destroys the Occupy Wall Street encampment in Zuccotti Park. Prior to the raid, the encampment served as the nerve center of a decentralized protest movement against the misrule of the “1%” that spread to hundreds of other cities. Speaking two weeks after the raid, Bloomberg described the NYPD as “my own army.”

2014

NYPD Officer Daniel Pantaleo is caught on video choking Staten Island resident Eric Garner to death. Garner’s crime: selling loose cigarettes for 75 cents apiece. The incident galvanizes opposition to “broken windows” policing that has been building for years. When a grand jury refuses to indict Garner’s killer, the city is convulsed by weeks of protests as demonstrators point to the NYPD killings of more than 150 unarmed civilians over the past 20 years, cases in which killer cops have almost always walked free.

• • •

aggressively controlling the behavior of poor and politically weak people and by helping clear space for developers to build and wealthier new citizens (with more tax revenue) to move in, the NYPD has done what the police have always been designed to do: enforce the will of the rich by suppressing poor dark people.

This basic function is obvious at flash points in New Brunswick, Canada, where Mi’kmaq activists opposing fracking have endured volleys of rubber bullets from the police, or Guatemala, where protesting farmers have faced off with security forces over mining projects by transnational corporations. But when this function unfolds over the course of many decades, within a cultural context that explains policing as simple crime-fighting, it can be difficult to discern. The teenagers with whom I spoke in Brownsville were confused about why the police would pursue people like them, “walking down the street looking regular,” instead of actual criminals. But it actually makes perfect sense if you know what the police have historically been all about.

• • •

At the beginning of 2014, activists and scholars demanding an end to “broken windows” policing felt largely ignored by the mainstream — which had been the norm for many years. That changed after Eric Garner was choked to death by an NYPD officer for a quality-of-life crime, prompting debates in the media about the merit of “broken windows” policing. And since the end of the NYPD’s slowdown, which inadvertently put into practice everything the critics of “broken windows” were advocating, they have tried to leverage the data for their cause.

“This is an emperor has no clothes moment for the NYPD, because it has exposed the myth that ‘broken windows’ is an effective form of policing,” says Robert Gangi, director of the Police Reform Organizing Project. “Neither chaos or hordes of predators descended upon the city [during the slowdown]. In fact, there was a significant reduction of crime in the city.”

The retort, voiced not just by Bratton but even cynical opponents of “broken windows” policing, is that the time frame of the slowdown was not enough to prove the strategy’s invalidity. That’s no matter, say residents of

over-policed communities.

“If you were to extend [the slowdown] for a month in the summertime it would be the same,” contended Nadia Stevens, a resident of Flatbush, at a January 15 speakout in front of the police union headquarters in the Financial District. “They’re trying to perpetuate fear and tell people to be afraid of black or Latino men, as if saying, ‘You never know what they’ll do if we unleash them.’ Everybody was more relaxed when police gave less tickets.”

This enthusiasm for the NYPD’s intransigence also marks the difference between mainstream liberals’ reaction to the slowdown and their left flank. While Al Sharpton and the *New York Times* editorial board chastised police for “not doing their job,” Josmar Trujillo of New Yorkers Against Bratton encouraged it.

“We’re here to say we want a permanency to the slowdown,” he said at the speakout. “We understand that ‘broken windows’ is something that is numbers-based and affects us in a way that policy makers have refused to talk about for years.”

Those numbers — the oft-maligned ticketing and arrest quotas that retired officers and whistleblowers have reported to the media but that the NYPD officially denies — are the performance measures that compel officers in Brownsville to stop Shawn and David without probable cause. They’re also why many cops, including those from the neighborhood they patrol, feel compelled to make bogus stops even if they do not want to (and many do not). When Bratton decried “the numbers” as not “normal” during the slowdown, he revealed how critical the tactic of low-level ticketing — dispro-

tionately concentrated in neighborhoods like Brownsville — was to the NYPD.

And it is this subtle admission, not the continued low crime rates, that was the slowdown’s greatest revelation. Corraling and controlling poor, people-of-color communities is an integral part of the NYPD’s strategy, just as it is for most police forces in the world, past and present.

• • •

It is politically smart for activists to use the results of the slowdown to press for relaxed policing generally and for reducing the bloat at the NYPD, with its 35,000 uniformed officers. But it should also serve as an opportunity to educate about the broader role of the police, made so plain by Bratton’s decrying of low numbers, in enforcing social inequality.

That may seem like an abstract demand, but without that fuller understanding, there’s no reason why reforms to “broken windows” wouldn’t result in another strategy operating under the same logic. It would also enable more robust conversations about the different ways the state maintains inequality, from police quotas to facilitating gentrification to underfunding schools in poor neighborhoods.

The last person I spoke with in Brownsville, a man named Lewis, asked simply: “If the police didn’t need to make the stops in the first place, why was they doing it?” The answer has revolutionary potential.



Ferguson and Staten Island

58
NewPolitics
Vol XV No 2 \$7.00 (\$9.00 Canada) Winter 2015

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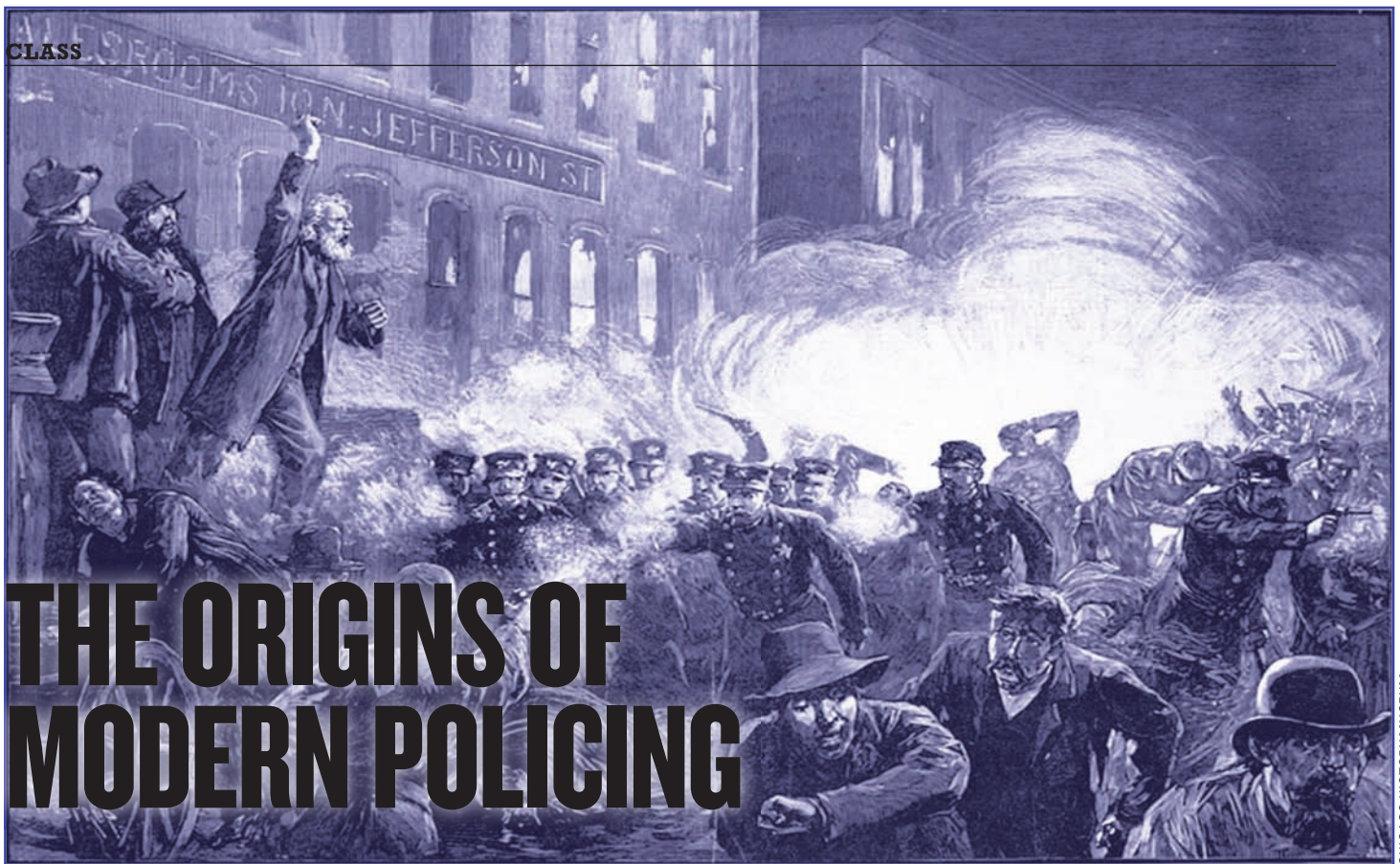
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CLASS



THE ORIGINS OF MODERN POLICING

BY SAM MITRANI

In most of the liberal discussions of the recent police killings of unarmed black men, there is an underlying assumption that the police are supposed to protect and serve the population. That is, after all, what they were created to do. Maybe there are a few bad apples, but if only the police weren't so racist, or didn't carry out policies like stop-and-frisk, or weren't so afraid of black people, or shot fewer unarmed men, they could function as a useful service that we all need.

This liberal way of viewing the problem rests on a misunderstanding of the origins of the police and what they were created to do. The police were not created to protect and serve the population. They were not created to stop crime, at least not as most people understand it. And they were certainly not created to promote justice. They were created to protect the new form of wage-labor capitalism that emerged in the mid- to late-19th century from the threat posed by that system's offspring, the working class.

Before the 19th century, there were no police forces that we would recognize as such anywhere in the world. In the northern United States, there was a system of elected constables and sheriffs, much more responsible to the population in a very direct way than the police are today. In the South, the closest thing to a police force was the slave patrols. Then, as Northern cities grew and filled with mostly immigrant wage workers who were physically and socially separated from the ruling class, the wealthy elite who ran the various municipal governments hired hundreds and then thousands of armed men to impose order on the new working-class neighborhoods.

Class conflict roiled late-19th century American cities like Chicago, which experienced major strikes and riots in 1867, 1877, 1886 and 1894. In each of these upheavals, the police attacked strikers with extreme violence. In the aftermath of these movements, the police increasingly presented themselves as a thin blue line protecting civilization, by which they meant bourgeois civilization, from the disorder of the working class. This ideology has been reproduced ever since — except that today, poor black and Latino people rather than immigrant workers are the main threat.

Of course, the ruling class did not get everything it wanted. It had to yield on many points to the immigrant workers it sought to control — this is why, for instance, municipal governments backed away from trying to stop Sunday drinking and why they hired so many immigrant police officers, especially the Irish. But despite these concessions, businessmen organized themselves to make sure the police were increasingly isolated from democratic control. The police, meanwhile, increasingly set themselves off from the population by donning uniforms; establishing their own rules for hiring, promotion and firing; working to build a unique *esprit de corps*; and identifying themselves with order. And despite complaints about corruption and inefficiency, they gained more and more support from the ruling class, to the extent that in Chicago, for instance, businessmen donated money to buy the police rifles, artillery, Gatling guns and buildings and to establish a police pension out of their own pockets.

There was a never a time when the big city police neutrally enforced "the law" — nor, for that matter, a time when the law itself was neutral. Throughout the 19th century in the North, the police mostly arrested people for the vaguely defined "crimes" of disorderly conduct and vagrancy, which meant that they could target anyone they saw as a threat to "order." In the post-bellum South, they enforced white supremacy and largely arrested black people on trumped-up charges in order to feed them into convict labor systems.

ANTI-WORKER: An artist renders the clash between labor demonstrators and Chicago police at Haymarket Square on May 4, 1886.

The violence the police carried out and their moral separation from those they patrolled were not the consequences of the brutality of individual officers, but of policies carefully designed to mold the police into a force that could use violence to deal with the social problems that accompanied the development of a wage-labor economy. For instance, in the short, sharp depression of the mid-1880s, Chicago was filled with prostitutes who worked the streets. Many policemen recognized that these prostitutes were generally impoverished women seeking a way to survive and initially tolerated their behavior. But the police hierarchy insisted that the patrolmen arrest these women, impose fines and drive them off the streets and into brothels, where they could be ignored by some members of the elite and controlled by others. Similarly, in 1885, when Chicago began to experience a wave of strikes, some policemen sympathized with strikers. But once the police hierarchy and the mayor decided to break the strikes, policemen who refused to comply were fired.

Though some patrolmen tried to be kind and others were openly brutal, police violence in the 1880s was not a case of a few bad apples — and neither is it today.

Much has changed since the creation of the police — most importantly, the influx of black people into Northern cities, the mid-20th century civil rights movement and the creation of the current system of mass incarceration in part as a response to that movement. But these changes did not lead to a fundamental shift in policing. They led to new policies designed to preserve fundamental continuities. The police were created to use violence to reconcile electoral democracy with industrial capitalism. Today, they are just one part of the "criminal justice" system that plays the same role. Their basic job is to enforce order among those with the most reason to resent the system — in our society today, disproportionately among poor black people.

If there is one positive lesson from the history of policing's origins, it is that when workers organized, refused to submit or cooperate and caused problems for the city governments, they could force the police to curb the most galling of their activities. The murders of individual police officers, as happened in Chicago on May 3, 1886, and more recently in New York on December 20, 2014, only reinforced calls for harsh repression. But resistance on a mass scale could force the police to hesitate. This happened in Chicago during the early 1880s, when the police pulled back from breaking strikes, hired immigrant officers and tried to re-establish some credibility among the working class after their role in brutally crushing the 1877 upheaval.

The police might back off again if the widespread reaction against the killings of Eric Garner, Michael Brown, Tamir Rice and countless others continues. If they do, it will be a victory for those mobilizing today, and will save lives. But as long as this policing system endures, any change in policy will be aimed at keeping the poor in line more effectively.

A democratic police system in which police are elected by and accountable to the people they patrol is imaginable. But as long as we have an economic and political system that rests on the exploitation of workers and pushes millions of people into poverty, we are unlikely to see policing become any more democratic than the rest of society.

Sam Mitrani is a professor of history at the College of DuPage. This article was adapted from an earlier version published on the Labor and Working-Class History Association blog.

AN ARRESTING PROBLEM

BY ANN SCHNEIDER

Have you ever been at a demonstration and heard a police officer get on a bullhorn and repeatedly announce “Warning: if you fail to disperse, you will be arrested”?

The NYPD is required by law to do this before moving to arrest people at a protest that it has previously allowed to take place. Failure to give proper warning under these circumstances can leave the city vulnerable to lawsuits that may cost millions of dollars to settle, as happened with hundreds of protesters who were illegally arrested during the 2004 Republican National Convention.

This brake on the arbitrary denial of people’s First Amendment rights isn’t always effective — cops will be cops! — as it is taxpayers, not the police, who get hit with the final bill. But, it’s still important, which is why civil liberties advocates in New York took a deep breath on December 18 when the U.S. Court of Appeals for the Second Circuit announced, at the request of the city, it would rehear a long-running case about the city’s liability for the arrest of more than 700 Occupy Wall Street protesters on the Brooklyn Bridge in October 2011.

The march on the Brooklyn Bridge — like many of the recent Black Lives Matter marches — was unpermitted. However, evidence from that day indicates the police commanders who were on hand guided the protesters into marching across the bridge. The NYPD subsequently cordoned off the protesters from both in front and behind and then carried out a mass arrest that made national headlines.

The Washington, D.C.-based Partnership for Civil Justice brought suit on behalf of nine of those arrested and sought class-action status on behalf of the 700 other people “similarly situated.” U.S. District Court Judge Jed Rakoff dismissed claims that Mayor Michael Bloomberg and Police Commissioner Ray Kelly had a premeditated plan to squelch street protest but permitted the suit to proceed against the 40 officers who kettled the protesters on the bridge and made the arrests without the required individualized suspicion of engaging in criminal conduct. As the police had been escorting the Occupy protesters all day and onto the bridge, Judge Rakoff found it plausible that they had “issued the protesters an implicit invitation to follow” and thus the civil suit should be allowed to go to trial.

Last August Judge Rakoff’s decision was upheld in a split decision by a three-judge

RIGHT TO PROTEST: Erica Garner, daughter of Eric Garner, gestures during an MLK Day march from Union Square to Foley Square. The de Blasio administration continues to pursue a legal case that would make it easier for the NYPD to arbitrarily carry out mass arrests during political protests.

panel of the Second Circuit Court of Appeals. Judges Guido Calabresi and Gerald Lynch resisted the entreaties of the New York City Law Department to cut off discovery and dismiss the entire case before hearing testimony. However, Judge Debra Ann Livingston disagreed vigorously with her colleagues. She contended that the officers should have been granted qualified immunity, a standard of legal proof that shields public officials from civil lawsuits unless, as the Supreme Court has ruled, they violate “clearly established statutory or constitutional rights of which a reasonable person would have known.”

The city seized on Livingston’s dissent to successfully request that the full 22-member Second Circuit Court hear the case *en banc*. It takes a majority of judges to vote to grant *en banc*; something a circuit court only does once or twice a year in cases that are felt to have great social or legal significance.

No date has been set yet for the *en banc* hearing in this case.

Judges Rakoff, Calabresi and Lynch followed non-controversial, well-established law and procedure to reach their decisions in this matter. However, that may not count for much with the Second Circuit Court, which has shown extreme deference to police and governmental authorities in the post-9/11 era. In recent years, the court has upheld suspicionless searches of commuters entering New York City subway stations, insisted on a longer prison sentence for dying radical attorney Lynne Stewart and overturned a lower court ruling that found the NYPD’s widespread use of stop-and-frisk to be unconstitutional.

New York has become more hospitable to protest under Mayor Bill de Blasio than his predecessor. To ensure this continues to be the case, de Blasio should scuttle this attempt by city lawyers to give the NYPD more leeway to arbitrarily carry out mass arrests in the streets.

Ann Schneider is a member of the NYC Chapter of the National Lawyers Guild (nlgny.org). The opinions expressed in this article are those of the writer and do not necessarily reflect the position of the organization as a whole.

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AFTER CHARLIE HEBDO FRANCE SEEKS THE ENEMY WITHIN

BY ANNA POLONYI

PARIS — One former neighbor described Chérif Kouachi as a kid like any other, easily excitable at the prospect of going to Euro Disney. Two decades later, Chérif and his older brother Saïd would carry out the bloodiest attack France has seen in recent history, killing 12 people in a shooting spree in satirical magazine *Charlie Hebdo*'s headquarters. An alleged accomplice would gun down a policewoman and take customers at a kosher supermarket hostage, bringing the total death toll of that bloody week to 17.

Nearly 4 million went out on the street after the attacks, united by grief at a national rally. But "how did this happen?" soon gave way to "who is to blame?" and the French government appears to be responding with measures that cater to a new wave of terror paranoia.

Though France does not yet have a U.S.-style Patriot Act, new measures pitched by President François Hollande's government have up until now focused almost exclusively on security, prompting progressive commentators to worry that Hollande is combating the symptoms of "evil" without addressing its roots, as far left paper *L'Humanité* put it on January 22.

The attacks in Paris shocked the nation. But how surprising were they exactly? In a climate where Islamophobia is common currency, France's Muslim minority is at worst reviled and at best ignored, unemployment reaches unprecedented heights in certain areas and people feel alienated by both the state and the media, is it all that unexpected that homegrown extremism finds a place? It's the most shocking expression of a social disenchantment that everyone is aware of but that the government rarely likes to face.

On January 20, Prime Minister Manuel Valls talked of a social and ethnic "apartheid" that has spread throughout the country, acknowledging that tensions are deeply rooted. The analogy between modern-day France and pre-1994 South Africa is sensationalist at best, but Valls admitted his government needed to do more to build cohesion in intercity suburbs — areas where dysfunctional schools, petty crime and unemployment have contributed to citizens feeling abandoned by their government.

The Kouachi brothers, along with their suspected ally Amedy Coulibaly, came from such areas. Unlike their parents, from Algeria

and Mali, respectively, they were French. They had been to French school, made French friends and rapped, dreamed and cursed in French. And yet, they felt out of place.

As one social worker from Clichy-sous-Bois put it, "The children feel more foreign than their parents did." Migrants from the former French colonies came to France for better prospects at a time when jobs were not as scarce as now. They made it a point of pride to feel French — but their children, born in France, are often frustrated by the discrimination their families face and the double standards they perceive in French secularism and freedom of speech laws.

Conservative voices, including former President Nicolas Sarkozy, have pointed to immigration as the driving force behind domestic extremism, suggesting dual nationals promoting terrorism should be stripped of their French papers. This shows a fundamental misunderstanding of the situation. Homegrown extremism is just that — homegrown.

Foreign terror plots involving hijacked flights and sophisticated explosives have given way, at least in Europe, to loners claiming to be acting in the name of Islam, shooting with eyes closed at close range. Around 1,200 French citizens are believed to have left to fight in Syria. About 50 of them are believed to have died and French intelligence is increasingly concerned about those returning from war zones.

According to anthropologist Douina Bouzar, many of those most recently converted to Islamist extremism come from French families that do not practice Islam at all. In fact, Bouzar says, "The less they knew about Islam to begin with, the easier it was to radicalize them." She heads a help center for radicalized youth, and says the people she sees come from a diverse range of backgrounds: middle-class as well as lower-class families, rural France as well as the suburbs of major cities. They are recruited mostly through social media and their ranks include a growing number of girls, persuaded that they can help the humanitarian cause in Syria by marrying a jihadist.

Faced with the complexity of the phenomenon, France's government appears to have opted for a simple, blunt approach: boost security. On January 21, Valls announced new funding and nearly 3,000 new jobs

in intelligence and the police forces. In the wake of the attacks, the government has gone back on planned budget cuts to the military and says it needs to increase staffing to monitor for suspected jihadist activities. The Socialist Party is now also pushing for a new counter-terrorism bill in Parliament that would grant the executive more power to tap phones, monitor communications and block websites seen as promoting terrorism.

France already has a robust counter-terrorism apparatus, admired by U.S. intelligence agencies in the past and criticized by rights groups for infringing on freedom of speech and movement. France already has an extensive — and potentially repressive — legislative arsenal to fight terror. One law in particular, strengthened as recently as November, allows the French state to prosecute for promoting terrorism or inciting to hatred. More than 50 people, including infamously anti-Semitic stand-up comedian Dieudonné, were arrested in the wake of the attacks for alleged hate speech, with some speedily sentenced to more than a year in jail.

And once behind bars, they are all the more likely to meet the likes of Chérif Kouachi and Coulibaly, who became friends in Fleury-Mérogis, Europe's largest prison. There they also met Djamel Beghal, who "recruited" them into his cell of religious extremists. Police suspect Beghal of having played a role in orchestrating January's shootings.

France's prisons are notoriously overcrowded and have proven to be

a stepping-stone toward extremism. In the southern city of Nîmes, inmates are three to a cell roughly the area of a yellow taxi cab. Though the United States has the highest incarceration rates in the world, France holds that dubious distinction at the European level. A recent parliamentary report, meanwhile, found that up to 60 percent of inmates in France were Muslim — a grossly disproportionate number, as they make up no more than 12 percent of the population. The report also set distant 2020 as a feasible deadline for meeting European norms.

Change may now be sped up by security concerns. Valls promised to address the issue of space in prisons — a long overdue step that is so far unpopular with the country's leaders. He has also promised to recruit additional Muslim chaplains, who are seen as able to stem the spread of extremist ideology by raising awareness about moderate practices of Islam.

But this shows just how far the debate has drifted: Does easing overcrowding and enlisting mild-mannered imams in prisons address the deep-rooted and systemic reasons people might be compelled to commit acts of terror?

Intent on identifying potential suspects before they launch attacks, the French government is faced with the quandary of how to know exactly who they are looking for. As progressive judge Laurence Blisson pointed out in a magazine interview published January 22, security forces will be monitoring those they believe practice a militant version

of Islam. New measures are likely to further criminalize a minority already marginalized by take-it-or-leave-it assimilationist demands and rampant Islamophobia.

To add fuel to the fire, France's government is now considering restoring the legal concept of "national unworthiness" in the wake of the *Charlie Hebdo* attacks. Under a law passed after World War II, those prosecuted for collaboration with the Nazis essentially became second-class citizens, as they were stripped of the right to vote, join unions or hold state-funded jobs. The law was scrapped in 1951, but the Socialist prime minister called on Parliament to examine its potential restoration.

The Socialist government, in catering to conservative demands for more state surveillance and security, is losing ground with its electorate, and fast. According to leading security analyst Philippe Moreau Chevrolet, it's making a big political mistake. "These measures will scare people and ultimately benefit the right...rival parties like the conservative UMP and the far-right National Front," he said.

It is convenient to frame the question of homegrown extremism as purely an issue of security. Recognizing it as symptomatic of more widespread systemic disenfranchisement begs the question of change, and with it responsibility: To what extent are we to blame? This is not just a question for the government. If so many were ready to say "*Je suis Charlie*," we can also have the courage to say "*Nous sommes tous Kouachis et Coulibalys*."





NYCHA AS HOME

We the People: The Citizens of NYCHA in Photos + Words
BROOKLYN HISTORICAL SOCIETY
THROUGH MARCH 8

By Mike Newton

In late August 1952, readers of *LIFE* magazine encountered what must've seemed a rather odd set of photos: a disembodied eye floating in water, an ominous skull gleaming in a blurred church window and, most prominently, a forlorn Black man preparing to submerge himself under a city street. These images come from Gordon Parks's "Invisible Man" series, in which Parks — by then already an accomplished documentary and fashion photographer — combined staged scenes with Harlem street shots as a way of showing the struggle and sadness at the core of Ralph Ellison's eponymous novel. Both the book *Invisible Man* and the photo series named after it are about the painful alienation of Black Americans — a vision especially at odds with the smiling, almost all white faces in that issue of *LIFE*.

Parks, social documentarian Jacob Riis and photographer Ruiko Yoshida are cited as touchstones for "We the People: The Citizens of NYCHA in Photos + Words," currently on view at the Brooklyn Historical Society. It's an exhibition by journalist Rico Washington and photographer Shino Yanagawa — both of whom have lived in public housing — on the experiences of Black and Latino residents living in New York City Housing Authority communities. New York City's public housing program is the largest in the country — according to NYC.gov, if NYCHA developments were their own city, it would be the 27th-biggest in the nation.

Yanagawa's and Washington's reporting has an impressive scope to it, with subjects ranging from 9-year-old twins Jameel and Jaleel Faussett to Susie Mushatt Jones, who at 115 years old is the fourth-oldest person on Earth ("If I said anything bad about living in housing, I wouldn't be telling the truth," Jones says). Despite this, the work here feels unfortunately thin: the straightforward portraits lack the acuity and inventiveness of Parks and Yoshida, and the relatively small show seems fragmentary, like a handful of pages torn from a much larger book. But the exhibition is being presented as more of an educational work than anything — after all, it's at a history museum, not an art museum — and when it comes to life in public housing, there are important things to be learned.

For example, acclaimed soul singer Sharon Jones theorizes that families in public housing must still contend with a legacy of dehumanization and separation that comes

CITY WITHIN A CITY: A young resident of the NYCHA development at Sutter Avenue-Union Street in Brooklyn looks out his window.

straight from slavery. Though the projects are known in the contemporary imagination as more or less Black neighborhoods, Felipe Luciano — a journalist and former member of the deeply influential proto-hip-hop group the Last Poets — tells us that he grew up around astounding diversity ("you can easily become an international diplomat, if you're raised in the projects the way I was raised"). Hip-hop itself is a fuzzy, half-omitted presence in this show, perhaps because that's the thing that most people already know about (in a January 12 NPR report, Yanagawa said that before she moved to the United States, Western hip-hop had her thinking that the projects were "very cool"). The show includes a portrait of Olu Dara, an avant-garde jazz musician and father of hip-hop icon Nas, who said that the projects have been home to "some of the most talented people I've ever met in my life." Nas and Jay-Z are mentioned, albeit briefly.

Asked what would happen if he complained to the NYPD about the ways police harass people in his neighborhood, current NYCHA resident Mark Medina said: "They would listen. But they won't take me seriously. They would just laugh, take the papers and throw it out." Medina's remarks, and this show overall are, of course, very timely. The wave of protest that began with the deaths of Mike Brown and Eric Garner, and the non-indictments of the police officers that killed them, has coalesced around the message "#BlackLivesMatter." Among those mourned is Akai Gurley, a young Black man recently killed by police in the unlit stairwell of a NYCHA building. One of the most powerful images to emerge from recent protests is that of the large, multi-panel sign composed of nothing but Eric Garner's eyes — a simple affirmation of his humanity. In a *New York Times* interview this month, Judith Butler noted that, "One reason the chant 'Black Lives Matter' is so important is that it states the obvious but the obvious has not yet been historically realized." More than 60 years since the publication of *Invisible Man*, so many Americans struggle to really be seen.

The work in this exhibition feels less like the muckraking exposés of urban poverty made by its cited influences. Instead, it embraces a more elemental aim of socially minded photojournalism: finding the human face beneath sociopolitical abstractions. Perhaps the key message of "We the People" is, well, just what its title implies: public housing is where Americans live; public housing is home.

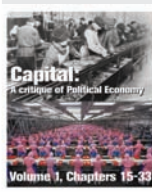


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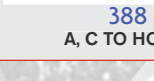
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7:30-9:30 pm beginning February 9: **21st Century Class Struggles: Precarity, Repression and Organizing** with The Precarity Task Force Group

WEDNESDAYS

5:30 to 7:30 pm beginning February 4: **W.E.B. DuBois' Black Reconstruction** with Tim Schermerhorn

7:30 to 9:30 pm beginning January 28: **Silko's Almanac of The Dead** with Indigenous Peoples' Reading Group

THURSDAYS

5:30 to 7:30 pm beginning January 29:

Autonomist Marxism with Dan Karan

7:30 to 9:30 pm beginning January 29: **Nietzsche, Heidegger & Left Nitzscheans** with Alex Steinberg

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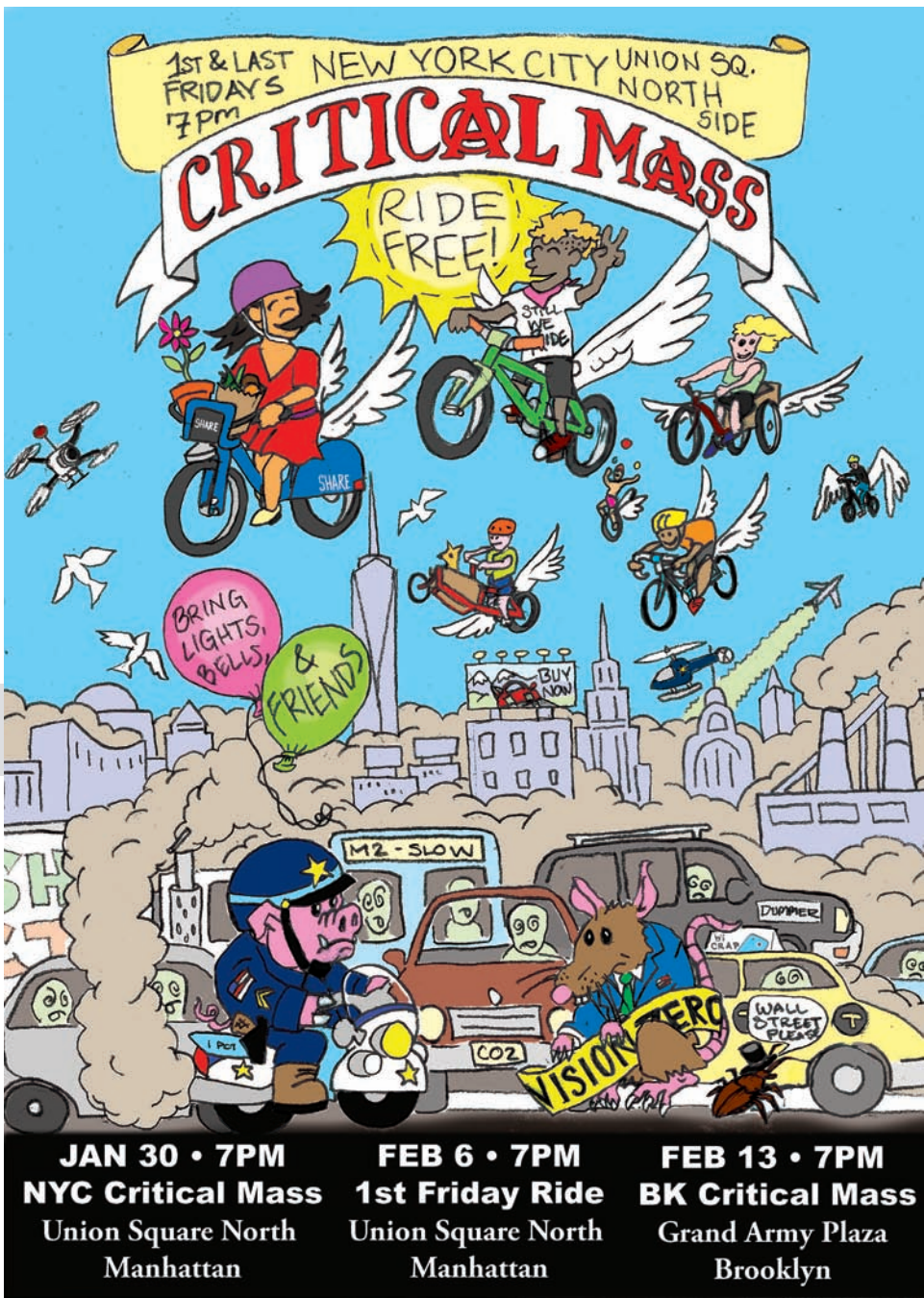
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3RD AND LONGING FOR VIOLENCE

Against Football: One Fan's Reluctant Manifesto

BY STEVE ALMOND
MELVILLE HOUSE, 2014

Thrown

BY KERRY HOWLEY
SARABANDE BOOKS, 2014

By Bennett Baumer

America's relationship to violence manifests in society as a kind of spectacle and entertainment. The average Sunday NFL game viewer in a sports bar readily acknowledges football is violent and causes injury, yet the pain endured by these modern-day gladiators is not really felt. We believe in consequence-free violence because much of the effects of gridiron collisions, crowd-pleasing tackles and bone-bending pile-ons are hidden from view, explained and redirected by radio and television announcers and NFL spokesmen, according to Steve Almond, author of *Against Football: One Fan's Reluctant Manifesto*.

Yet there are cracks in the American psyche. Almond approaches the topic of being a fan of the nation's most popular sport by recounting his youthful football prowess in backyard games and rooting for the Oakland Raiders teams of the 1970s that featured hard-hitting stars such as Jack "The Assassin" Tatum and Ted "Kick 'Em in the Head" Hendricks. Almond uses ironic distance to describe when he began to question football's transcendence — a player is quoted in the media about being leveled and not recalling lying on the ground after the fact. "I wasn't out cold, but I was out." Almond pasted the quote to his office wall.

Against Football is a short book that urges fans to think more deeply about our nation's most popular sport and perhaps turn off the TV on Sunday afternoons. Almond offers a torrent of evidence: the concussions, greedy owners fleecing cities for new stadiums while municipal infrastructure crumbles, football's cultural function of valorizing military action. Almond's confessional is akin to a pebble in a deep and swift-moving river. The National Football League is a \$9 billion per year industry. And while the NFL has been criticized for its slap-on-the-wrist penalties for players implicated in domestic violence incidents and its callousness toward thousands of former players who now suffer brain damage from blows absorbed during their careers, the league's games are the highest-rated programs on television. Want to buy a 30-second ad spot during this year's Super Bowl? That will cost you \$4.5 million.

Almond tries a reasoned approach to reach the jersey-clad masses and the book has gotten publicity while citing thinkers as far afield as Karl Marx and *Moneyball* author Michael Lewis. Nevertheless, Almond is a voice in the

wilderness who does not help his case with cringe-worthy declarations — such as "Our family attends the local Unitarian Universalist service ... so we can feel a part of some community that still believes in social justice and economic equality and the rest of those extinct hippie values" — that miss their mark like a quarterback's wobbly downfield pass that sails well over its intended target.

• • •

Mixed martial arts is not nearly as popular as the NFL, yet the flagship company promoting the sport, the Ultimate Fighting Championship (UFC), now rivals boxing in the size of its following. Mixed martial arts combines striking, kickboxing and grappling, all of which take place inside an octagonally-shaped ring. It is an exciting combat sport currently banned in New York State. It was popularized in the early 1990s through videos of wily and thin Brazilian jujitsu black belt Royce Gracie tying much larger muscled men into knots.

The skills of the fighters have increased over the past two decades and now the sport has found its unlikely bard in Kerry Howley, a bookish writer who immerses herself in the lives of two fighters whose careers are headed in very different directions.

In *Thrown*, Howley philosophizes the sport's inherent brutality and pulls no punches about the fighters she follows. She latches on to her subjects, a groupie of sorts, and becomes emotionally close to them. She is privy to the private life of downwardly mobile cage fighter Sean Huffman — his heart-wrenching texts with the mother of a child who may not be his own, Huffman catnapping backstage before a bout, another fighter sobbing after taking a beatdown. And then there's the requisite shady fight promoter who fakes a heart attack and leaves the site of one of Huffman's friend's fights in an ambulance with the cash box in hand.

Huffman's training and his personal life are his downfall, while watching fighter Erik "New Breed" Koch was "to watch Cartesian dualism disproved," Howley writes. Mind and body are one with Koch, who is the fighter with a future who overcomes a concussion to earn a UFC title show in Rio de Janeiro. He can take Howley to transcendent moments that she captures on the page.

In both *Against Football* and *Thrown* the authors explore the allure and even beauty of violence as spectacle and sport. Almond argues that at the very least we the fans need to stop fooling ourselves and understand that the NFL (the same applies to the UFC) is a corporation that mistreats the players and seeks to maximize profits and minimize risks to management while assuming the fan as a given. The NFL players' union toyed with going on strike in 2011 before signing a new collective bargaining agreement with the league. What will it take for the fans to walk?

FIGHTING WESTWAY THE RIGHT WAY

Fighting Westway: Environmental Law, Citizen Activism, and the Regulatory War that Transformed New York City

By WILLIAM W. BUZBEE

CORNELL UNIVERSITY PRESS, 2014

By Tom Angotti

Who said you can't stop megaprojects, even when they have big-time economic backing and political support? And in New York City, of all places?

In 1971, the federal government proposed replacing Manhattan's old elevated West Side Highway with a giant new highway that would have fueled real estate speculation and brought a pile of federal dollars to the city. While at first it looked like a done deal, opposition by a broad coalition of environmental and community groups escalated over time and by 1985 a judge issued a permanent injunction that effectively killed the project.

Written by a law professor, *Fighting Westway* is a carefully researched and clear narrative for a broad audience. For community and environmental activists as well as professionals, it is well worth the read because it vividly illustrates the depth and complexity of the struggle that was needed in order to beat back the giant deal.

Perhaps the most important lesson to draw from the long Westway struggle is the necessity for persistence, and in Buzbee's story this is embodied in the person of Marcy Benstock, founder of the Clean Air Campaign and its Open Rivers Project. She (and many others, including Friends of the Earth, NYPIRG and the Sierra Club) refused to go away after suffering serious setbacks. Another key lesson is that it takes a combination of tactics at different levels: organized protest, lobbying elected and government officials and a legal campaign. Over time the trick is to balance the tactics, never letting one of them overwhelm the others, and using them all to sustain a clear long-term strategy.

THE IMPORTANCE OF ALLIES

Some of today's activists might look back at the Westway fight and dismiss it because of the pivotal roles played by a few elected officials, elite organizations and lawyers. This would force us to deny a clear truth in the history of community battles: victory always requires a broad array of allies in and out of government as well as a strong and diverse grassroots base. The real question is who ultimately gains and who remains in charge. If Westway had been built, property interests and elites would have been the greatest beneficiaries; residents and local businesses at all income levels would have been the losers. While those in the opposition who have access to funding may try to have the loudest voices, to be seriously heard they need a large chorus. In the Westway story we can also see how wavering by some allies and posturing by politicians comes with the territory. We can also appreciate the need to have these allies there at the right place and the right time.

Another important lesson of the Westway fight is the importance of understanding and working within the historic moment. Westway was proposed at a time when opposition to other big-city expressways was mounting — in Boston and San Francisco, for example. New York City's fiscal crisis

was underway and transit advocates decried the lack of investment in the subway system — which eventually got a hefty portion of the funds that would have been spent on Westway. The city's master builder, Robert Moses, was losing his grip and did not come out with his bulldozer to rescue Westway. And this was the decade in which the federal government launched its major environmental laws. Westway required environmental impact reviews, and the 1985 court ruling that proved to be decisive rejected

a review that failed to take into account the impact of the highway on fish populations in the Hudson River. However, none of these historic shifts — the fiscal crisis, the decline of Moses and the advent of environmental laws — would have been sufficient by themselves to kill Westway. It took the conscious agency of astute community organizers.

NEW SCHEMES

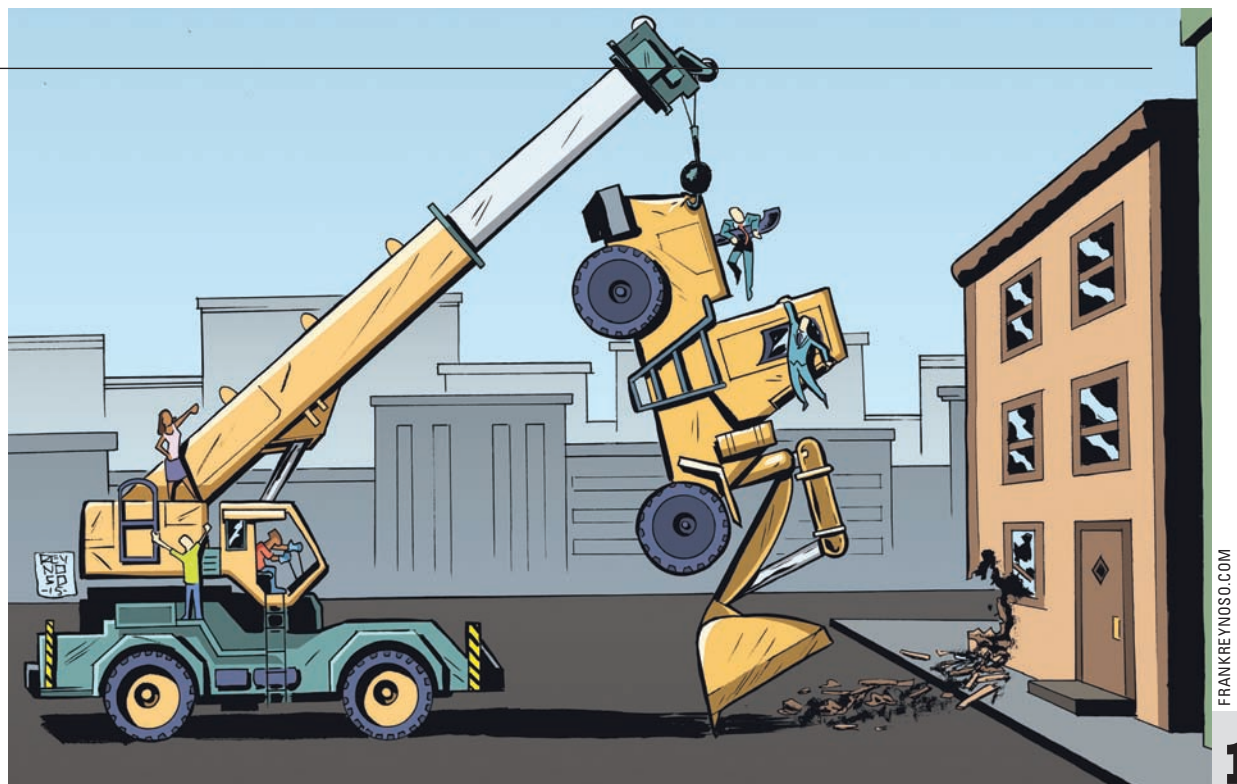
The most lasting lesson, however, is that the struggle continues. After Westway's defeat, the Hudson River Park Trust was established in 1998 as a joint partnership between the state and city. Its current chair is Diana Taylor, girlfriend of former Mayor Michael Bloomberg. A 501(c)(3) nonprofit was also created to funnel contributions from wealthy philanthropists who have gained increasing influence over the park's direction as they make up for shortfalls in public funding.

The professed objective of creating the trust was to preserve the waterfront as a public park. However, since the demise of Westway, communities have faced a constant assault by developers anxious to get waterfront views. Deals like the Chelsea Piers were justified under the state's constitutional obligation to manage the land in the public trust, but that only works if you swallow the neoliberal pill that makes the public the junior partner.

The latest waterfront scam advanced by the trust is a proposal by billionaire media mogul Barry Diller to build a privately managed 2.4-acre waterfront park and entertainment center in place of a pair of crumbling piers off West 14th Street. This would realize every de-

veloper's dream of creating new real estate by building in the water. We can only gasp at the folly of fulfilling some rich man's fantasy while the sea level rises and there is no comprehensive plan to protect the city's waterfront neighborhoods — especially the most vulnerable. It is heartening to see people like Marcy Benstock, the Clean Air Campaign and other groups lining up against this latest megaproject. They are still in there working to sustain our waterfront, and the truth.

Tom Angotti is professor of urban affairs and planning at Hunter College and the Graduate Center, City University of New York. He is the author of *New York For Sale: Community Planning Confronts Global Real Estate* (MIT Press, 2008). For more information, see westwaythenandnow.org. The Clean Air Campaign can be reached at 212-582-2578.



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